

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

EMERY STEVE BROWN	)	
PLAINTIFF	)	
VS.	)	CASE NO. 3.05-CV-0681-
CLAIMS MANAGEMENT, INC.	)	MHT-CSC
DEFENDANT	)	

AMENDED COMPLAINT

COMES NOW the Plaintiff, Emery Steve Brown, and amends the Complaint heretofore filed by adding the following in addition to Counts One, Two, and Three of the original Complaint:

COUNT FOUR

COMPLAINT FOR NEGLIGENCE

1. Plaintiff hereby incorporates the Statements of Facts, Count One, Count Two, and Count Three of Plaintiff's Bill of Complaint previously filed.
2. Plaintiff herein would state that Defendant owed Plaintiff a duty to timely process his request for approval of the surgery and to timely provide medical care.
3. Plaintiff would further state that Defendant breached their duty owed.

4. As a proximate cause of said breach and delay Plaintiff was caused to suffer the following injuries:

(a) Plaintiff did not have the surgery performed in a timely fashion as recommended by his treating physician;

(b) Plaintiff's rehabilitation was delayed causing a more excruciatingly painful and difficult recovery with decreased likelihood of as full of a recovery as he would have enjoyed had it not been for the delay;

(c) Plaintiff was caused to suffer permanent injury and disability;

(d) Plaintiff was caused to suffer severe emotional distress and anxiety while waiting for his surgery.

WHEREFORE, Plaintiff demands judgment against Defendant for all sums he is entitled to under the pleadings and proof contained herein including compensatory and punitive damages.

/s/ John A. Tinney TIN005  
Attorney for Plaintiff  
Post Office Box 1430  
739 Main Street  
Roanoke, Alabama  
(334) 863-8945

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served counsel for the opposing party in the foregoing matter with a copy of this pleading by faxing or by depositing a copy of the same in the United States Mail, in an envelope with adequate postage prepaid thereon and properly addressed to him.

Jeffrey A. Brown  
Carlock, Copeland, Semler & Stair, LLP  
Post Office Box 139  
Columbus, Georgia 31902-0139

This 28th day of December, 2005.

/s/ John A. Tinney TIN005  
Attorney for Plaintiff  
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